

Rejection of Claims 1-7 Under 35 U.S.C. § 112, First Paragraph

The Examiner has rejected claims 1-7 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the Examiner alleges that nothing in Applicant's originally filed disclosure clearly states certain limitations in claims 1 and 4, thereby constituting new matter. Applicants respectfully traverse this rejection.

With respect to claims 1 and 4, Figure 1 of Applicants' drawings clearly illustrates an exemplary embodiment of a structure for mounting a steering angle sensor where the steering signal transmitting unit, a turn signal lever, and a wiper control lever are attached to "an upper portion of the column." Applicants' specification discloses that the steering angle sensor 5 is fitted to a column 4 to which a turn signal 1 and wiper control switch lever 2 are attached (see e.g., page 8, lines 18-23). The proximity of the turn signal and wiper control switch lever vis-à-vis the fitting recessed portion and steering angle sensor (as shown and disclosed in Applicants' disclosure) are clearly conveyed and understood as an "upper portion of the column."

The written description requirement does not require the Applicants to describe exactly the subject matter claimed, instead the description must clearly allow persons of ordinary skill in the art to recognize that Applicants invented what is claimed (emphasis added). *Eiselstein v. Frank*, 52 F.3d 1035, 1038, 34 USPQ2d 1467, 1470 (Fed. Cir. 1995) (citing *Vas-Cath*, 935 F.2d at 1562, 19 USPQ2d at 1115, and *In re Wertheim*, 541 F.2d 257, 265, 191 USPQ 90, 98 (CCPA 1976)). Indeed, the subject matter of the claim need not be described literally (i.e., using the same terms) in order for the disclosure to satisfy the description requirement. MPEP §2163.02.

(8th Edition revised February 2003)(Standard for Determining Compliance with the Written Description Requirement).

Additionally, the Examiner appears to rely solely on Applicants' specification, instead of Applicants' disclosure as a whole, which includes Figures 1-11. Applicants can show possession of the claimed invention by describing the claimed invention with all of its limitations using descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention. MPEP §2163.02 (8th Edition revised February 2003)(Standard for Determining Compliance with the Written Description Requirement) *citing* Lockwood v. American Airlines, Inc., 107 F.3d 1565, 1572, 41 USPQ2d 1961, 1966 (Fed. Cir. 1997).

Applicants conveyed with reasonable clarity to those skilled in the art that, as of the filing date sought, they were in possession of the claimed invention. Moreover, Applicants' originally filed disclosure clearly states the above-mentioned features of claims 1 and 4.

Accordingly, Applicants respectfully request that the rejection of claims 1-7 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Rejection of Claims 1-7 Under 35 U.S.C. § 102(b)

The Examiner alleges that claims 1-7 under 35 U.S.C. § 102(b) as allegedly being anticipated by *previously cited* U.S. Patent No. 4,683,375 (hereinafter Hoshino). Applicants respectfully traverse this rejection.

Hoshino does not teach that the allegedly corresponding fitted recessed portion and sensor 16 is mounted to “an upper portion of the column,” as recited in base claims 1 and 4. Rather, Figures 2, 4 and 5 of Hoshino illustrate that the allegedly corresponding fitted recessed portion and sensor 16 is mounted at the bottom of the column 18 (i.e., the “lower column tube 20 is secured to the lower portion of the steering column tube 18,” col. 2, line 53-54), distant from the turn signal lever and the wiper control switch. Hoshino describes that “[t]he lower part of the sensor 16 extends through the aperture 52 into the inside of the enlarged lower column tube 20.” (Emphasis added)(Col. 3, lines 14-16; Figures 5-7 of Hoshino).

In the Response to Arguments on pages 7 and 8 of the final Office action, the Examiner alleges that “the prior art is interpreted as teaching the fitting recessed portion in the upper portion of the steering column because the column extends well below the fitting recessed portion and thus said portion is deemed as being in the “upper portion” as claimed.”

However, as mentioned above, Hoshino explicitly discloses that the sensor 16 is inside the “lower” column tube 20 close to the yoke 24 (see Figure 3 of Hoshino). Thus, the Examiner is interpreting “upper portion” contrary to its plain meaning.

In contradistinction, the structure for mounting a steering angle sensor of claim 1 and the steering angle sensor mounting structure of claim 4 include that the fitting recessed portion and the steering angle sensor is provided in the “upper portion of the column.”

For at least these reasons, the apparatus of Hoshino does not teach or suggest the claimed invention. Accordingly, Applicants respectfully request that the rejection of claims 1-7 under 35 U.S.C. § 102(b), be withdrawn.

Response Under 37 C.F.R. § 1.116
U.S. Application No. 09/987,652

Attorney Docket No. Q67305
Art Unit 2855

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

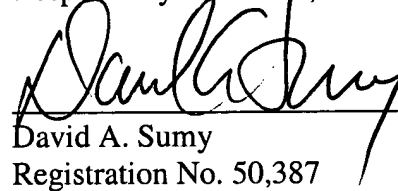
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